

DAC/IFU

Attorney Docket No.: 215105.01500  
Customer No. 27160

U.S. Patent Application No.  
10/658,529

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Cary James MILLER *et al.*

Application No.: 10/658,529

Filed: September 10, 2003

For: IMMUNOASSAY DEVICE WITH  
IMMUNO-REFERENCE ELECTRODE



Group Art Unit: 1641

Examiner: Not yet Assigned

Confirmation No.: 5356

Atty. Dkt. No.: 215105.01500

OIPE: Customer Service  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 30, 2004

**PETITION TO WITHDRAW NOTICE OF  
ABANDONMENT UNDER 37 CFR 1.181(a)**

Dear Sir:

A Notice of Abandonment was mailed on November 4, 2004, for lack of a timely reply to the Notice to File Missing Parts (Notice) mailed on December 8, 2003. Applicants hereby petition for this Notice of Abandonment to be withdrawn in light of the fact that a reply was timely filed with the United States Patent and Trademark Office on April 8, 2004.

Submitted herewith and within two months of the Notice of Abandonment, is a copy of the complete response to the Notice to File Missing Parts filed on April 8, 2004, along with copies of checks enclosed and the OIPE receipt stamped April 8, 2004.

The Assignment document submitted herewith was recorded on November 9, 2004, at Reel 015344, Frame 0879, and therefore does not need to be rerecorded and is only being filed here for completeness of reply.

No fee is believed to be required for this petition. However, the Commissioner is hereby authorized to charge any fee which may be required to Deposit Account No. 50-1710.

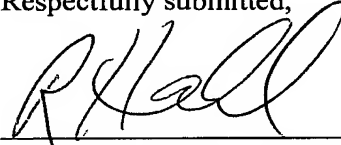
Attorney Docket No.: 215105.01500  
Customer No. 27160

U.S. Patent Application No.  
10/658,529

A copy of the Notice of Abandonment referred to is attached for convenience of the United States Patent and Trademark Office.

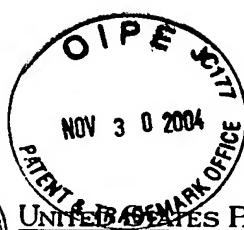
Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Hall' or similar, written over a horizontal line.

Gilberto M. Villacorta, PH.D.  
Registration No. 34,038  
Robert W. Hahl, PH.D.  
Registration No. 33,893

Patent Administrator  
KATTEN MUCHIN ZAVIS ROSENMAN  
525 West Monroe Street, Suite 1600  
Chicago, Illinois 60661-3963  
(202) 625-3500



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/658,529	09/10/2003	Cary James Miller	215105.01500

27160  
 PATENT ADMINISTRATOR  
 KATTEN MUCHIN ZAVIS ROSENMAN  
 525 WEST MONROE STREET  
 SUITE 1600  
 CHICAGO, IL 60661-3693

**CONFIRMATION NO. 5356**  
**ABANDONMENT/TERMINATION**  
**LETTER**  
 \*OC000000014292540\*  
 \*OC000000014292540\*

Date Mailed: 11/04/2004

### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/08/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

2-MOQUES  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



The Patent Office acknowledges, and has stamped hereon, the date of receipt of the items listed below:

In re Application of: **Cary James MILLER *et al.***

Application No. 10/658,529

Filed: September 10, 2003

Group Art Unit: 1641

Examiner: To Be Assigned

**FOR:** Immunoassay Device with Immuno-Reference Electrode

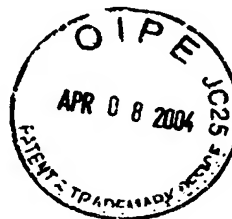
1. Postcard (1)
2. Copy of Notice
3. Transmittal letter
4. Executed Declaration and Assignment documents with Recordation cover sheet and
5. Checks in the amount of \$130.00, \$420.00, and 40.00 for the Late Surcharge fee, Extension of Time for 2-months and Assignment recordation fee.
6. Figures 1-21, (21 sheets)

Charge to  
Deposit Acct 50-1710

Charge any deficiencies or credit any overpayment to  
Deposit Acct. 50-1710

Atty Dkt. No. 215105.01500  
GMV/RWH/mlm

DATE: April 8, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Cary James MILLER *et al.*

Application No.: 10/658,529

Group Art Unit: 1641

Filed: September 10, 2003

Examiner: Not Yet Assigned

For: IMMUNOASSAY DEVICE WITH IMMUNO-  
REFERENCE ELECTRODE

Attorney Docket No. 215105.01500



**TRANSMITTAL LETTER**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents for filing in the above-referenced application:

1. Postcard (1)
2. Copy of Notice
3. Transmittal letter
4. Executed Declaration and Assignment documents with Recordation cover sheet and
5. Checks in the amount of \$130.00, \$420.00, and 40.00 for the Late Surcharge fee, Extension of Time for 2-months and Assignment recordation fee
6. Figures 1-21, (21 sheets)

**AUTHORIZATION**

Applicants believe there is no additional fee due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Hahl", written over a horizontal line.

Robert W. Hahl, PH.D.  
Registration No. 33,893  
Gilberto M. Villacorta, PH.D.  
Registration No. 34,038

Patent Administrator  
KATTEN MUCHIN ZAVIS ROSENMAN  
525 West Monroe Street, Suite 1600  
Chicago, Illinois 60661-3693  
Facsimile: (312) 902-1061  
Dated: April 8, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Benjamin A. Belinka Jr., *et al.*

Application No.: 10/437,983

Confirmation No. 3617

Filed: May 15, 2003

KMZ Rosenman Docket No. 215184-00500

For: Polymeric Conjugates for Tissues Activated Drug Delivery

MAIL STOP MISSING PARTS  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

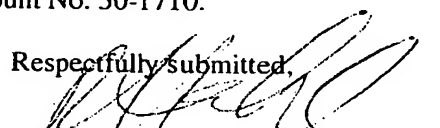
Dear Sir:

In response to the Notice to File Missing Parts of a Non-provisional Application, mailed December 28, 2003, the Applicants respectfully submit the following items:

1. Postcard (1)
2. Copy of Notice
3. Transmittal letter
4. Executed Declaration and Assignment documents with Recordation cover sheet and
5. Checks in the amount of \$130.00, \$420.00, and 40.00 for the Late Surcharge fee, Extension of Time for 2-months and Assignment recordation fee.
6. Figures 1-21, (21 sheets)

The Applicants believe that no additional fees are required with the submission of this filing. However, in the event that any fees are required to complete this filing, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 50-1710.

Respectfully submitted,

  
Robert W. Hahl, PH.D.  
Registration No. 33,893  
Gilberto M. Villacorta, PH.D.  
Registration No. 34,038

Patent Administrator  
KATTEN MUCHIN ZAVIS ROSENMAN  
525 West Monroe Street, Suite 1600  
Chicago, Illinois 60661-3963  
Fax: (312) 906-1021

Date: April 8, 2004





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/658,529	09/10/2003	Cary James Miller	215105.01500

27160  
PATENT ADMINISTRATOR  
KATTEN MUCHIN ZAVIS ROSENMAN  
525 WEST MONROE STREET  
SUITE 1600  
CHICAGO, IL 60661-3693



CONFIRMATION NO. 5356  
FORMALITIES LETTER  
\*OC000000011433246\*

Date Mailed: 12/08/2003

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 7.
  - The drawings must be made on paper that has a white background (see 37 CFR 1.84 (e)). For example, drawings on graph paper, lined paper, or paper that has a non-white background are not acceptable. See Figure(s) 18, 19.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*2-17-84*  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**DECLARATION**



As the below named inventors, we hereby declare that:

Our residence, post office and citizenships are as stated below next to our names,

We believe we are the original, first and joint inventors of the subject matter claimed and for which a patent is sought on the invention entitled **IMMUNOASSAY DEVICE WITH IMMUNO-REFERENCE ELECTRODE** the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is known to us to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s):**  
**Number**      **Country**

**Priority Claimed**  
**Day/Month/Year filed**      **Yes**      **No**

We hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

**Prior Provisional Application(s):**  
**Application Number**

**Filing Date**

10/658,529

September 10, 2003

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U. S. Application(s):**

**Serial No.**      **Filing Date**

**Status: Patented, Pending, Abandoned**

The undersigned hereby grant(s) the firm of KATTEN MUCHIN ZAVIS ROSENMAN the power to insert on this Declaration any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

All future correspondence should be addressed to:

**27160**  
**KATTEN MUCHIN ZAVIS ROSENMAN**  
**525 West Monroe Street, Suite 1600**  
**Chicago, IL. 60661**  
**Tel.: 202.625.3500**

\*\*\*\*\*

Full name of first inventor: Cary James Miller

Inventor's signature: 

Date: 22 Oct 03

Residence: 93 Chickasaw Crescent, Ottawa, Ontario K2M 1N2 Canada

Citizenship: United States

Post Office: Same as above

Full name of second inventor: John Lewis Emerson Campbell

Inventor's signature: 

Date: 22 Oct 03

Residence: 145 Charmont Way, Ottawa, Ontario, Canada K0A 3M0 Canada

Citizenship: Canadian

Post Office Address: Same as above

FORM PTO-1595 1-31-92		RECORDATION FORM COVER SHEET Patent and Trademark Office		U.S. DEPARTMENT OF COMMERCE	
DOCKET NO.: 215108-01606		PATENTS ONLY			
1. Name of conveying parties: Cary James Miller John Lewis Emerson Campbell Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			2. Name and address of receiving party: Name: <u>i-STAT</u> Internal Address: _____ _____ Street Address: <u>104 Windsor Center Drive</u> _____ City: <u>East Windsor</u> Country: <u>United States</u> ZIP: <u>08520</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>October 22, 2003</u>					
4. Application number(s) or patent number(s): If the document is being filed together with a new application, the execution date of the application is: A. Patent Application No. <u>10/380,706</u> B. Patent No(s): _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>KATTEN MUCHIN ZAVIS ROSENMAN</u> Internal address: <u>Patent Administrator</u> _____ Street address: <u>525 West Monroe Street</u> _____ <u>Suite 1600</u> City: <u>Chicago</u> State: <u>IL</u> ZIP: <u>60661-3693</u>			6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41) <u>\$ 40.00</u> <input checked="" type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account any deficiency in fees. 8. Deposit account number: <u>50-1710</u>		
DO NOT USE THIS SPACE					
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  <u>Robert W. Hahl, Ph.D., Reg. No. 33,893</u> <u>Gilberto M. Villacorta, Ph.D., Reg. No. 34,038</u> Name and registration number of person signing Total number of pages including cover sheet: <u>3</u>  Signature _____ Date <u>April 8, 2004</u>					
CMB No. 0851-0011 (exp. 4/94)					

### ASSIGNMENT

WHEREAS We, Cary James Miller of Ontario, Canada and John Lewis Emerson Campbell of Ontario Canada ("Assignors") have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled, **IMMUNOASSY DEVICE WITH IMMUNO-REFERENCE ELECTRODE** for which an application for United States Letters Patent was filed on September 10, 2003, and identified by United States Application Number 10/658,529.

WHEREAS i-STAT Corporation ("Assignee"), a corporation organized under the laws of the state of Delaware and having an address of 104 Windsor Center Drive East Windsor, New Jersey, 08520, is desirous of acquiring the entire right, title and interest in and to said invention, including the right to sue for past infringement, and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefore;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, we do hereby sell, assign, transfer and set over unto Assignee, its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, we hereby agree with the said Assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration but at the expense of said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chooses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of Assignor and Assignee;

AND we request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said Assignee, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

22-Oct-03

Date

Cary James Miller

Cary James Miller

93 Chickasaw Crescent

Ottawa, Ontario K2M 1N2

Canada

[Signature]

Witness

22-OCT-03

Date

John Lewis Emerson Campbell

John Lewis Emerson Campbell

145 Charmont Way

Ottawa, Ontario K0A 3M0

Canada

[Signature]

Witness

# Katten Muchin Zavis Rosenman

5401

15-122  
540

FIRST UNION NATIONAL - DC

DISBURSEMENT ACCOUNT  
1025 Thomas Jefferson Street, N.W.  
East Lobby: Suite 700  
Washington, DC 20007-5201

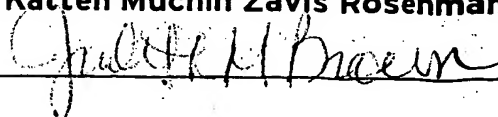
Date: January 28, 2004

Pay: One hundred thirty and 00/100\*\*\*\*\* \$\*\*\*130.00\*\*\*

PAY  
TO THE  
ORDER OF:

Director of the US Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Katten Muchin Zavis Rosenman



AMOUNTS OVER \$5,000.00 REQUIRE SECOND SIGNATURE



⑈0000540⑈ ⑆05400⑆220⑆203000003373⑈

Payee: Director of the US Patent & Trademark Office  
Vendor ID: DV30378

Check #: 5401  
Check Date: Jan 28/04

Invoice Num	Invoice Date	Narrative	Invoice Amount	Payment Amt
012804A	Jan 28/04	(215105-01500) R. Hahl - Late Oath or Decl. Surcharge fee.	\$130.00	\$130.00
Totals:			\$130.00	\$130.00

# Katten Muchin Zavis Rosenman

5400

19-122  
540

DISBURSEMENT ACCOUNT  
1025 Thomas Jefferson Street, N.W.  
East Lobby: Suite 700  
Washington, DC 20007-5201

FIRST UNION NATIONAL - DC

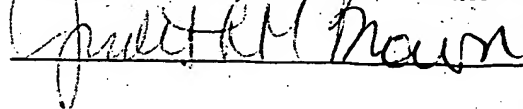
Date: January 28, 2004

Pay: Forty and 00/100\*\*\*\*\* \$\*\*\*40.00\*\*\*

PAY  
TO THE  
ORDER OF:

Director of the US Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Katten Muchin Zavis Rosenman



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⑈00005400⑈ ⑆054001220⑆2030000033731⑈

Payee: Director of the US Patent & Trademark Office  
Vendor ID: DV30378

Check #: 5400  
Check Date: Jan 28/04

Invoice Num	Invoice Date	Narrative	Invoice Amount	Payment Amt
012804	Jan 28/04	(215105-01500) R. Hahl - Recordation of Assignment Fee.	\$40.00	\$40.00
Totals:			\$40.00	\$40.00

Vendor ID: DV30378

US Patent & Trademark Office

Check #: 10001

Check Date: April 08, 2004

Invoice Num	Invoice Date	Narrative
040804	04/08/2004	(215105-01500) R. Hahl - Filing Fee for PEOT 2-months.

Invoice Amt	Payment Amt
\$420.00	\$420.00

Totals:	\$420.00	\$420.00
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**Katten Muchin Zavis Rosenman**

CONTROLLED DISBURSEMENT ACCOUNT  
1025 Thomas Jefferson Street, N.W.  
East Lobby: Suite 700  
Washington, DC 20007-5201

Bank One - DC - Controlled Dis  
1 Bank One Plaza  
Chicago, IL

Check #: 10001  
70-2322/719

Date: April 08, 2004

Pay: Four hundred twenty and 00/100\*\*\*\*\* \$\*\*\*420.00\*\*\*

PAY TO THE ORDER OF: Director of the US Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Katten Muchin Zavis Rosenman**

AMOUNTS OVER \$10,000.00 REQUIRE SECOND SIGNATURE

⑈00010001⑈ ⑆071923226⑆

643622210⑈



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